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10/597,107	04/20/2007	**Charles Cottle**	17952-002US1	6166

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *23,44,48,49,53,55,65,66,68-70,74,76-79,81,83,86 and 87* is/are pending in the application.

　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *23,44,48,49,53,55,65,66,68-70,74,76-79,81,83,86 and 87* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 July 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　a)☐ All　b)☐ Some * c)☐ None of:

　　1.☐ Certified copies of the priority documents have been received.

　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)　　　　　4)☐ Interview Summary (PTO-413)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)　　　　Paper No(s)/Mail Date. _____.
3)☐ Information Disclosure Statement(s) (PTO/SB/08)　　5)☐ Notice of Informal Patent Application
　　Paper No(s)/Mail Date _____.　　　　　　　　6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to the claims filed 07/11/2006.

2.   Claims 23, 44, 48, 49, 53, 55, 65, 66, 68-70, 74, 76-79, 81, 83, 86, and 87 have

been examined.

Priority

3.   Applicant's claim for the benefit of national stage entry PCT/US05/01669 which

claim benefit of prior-filed application 60/536666 under 35 U.S.C. 119(e) is

acknowledged and granted.

Abstract

4.   The abstract of the disclosure is objected to because of the use of self-evident

clauses. The 1st, 2nd, 3rd, and 6th sentences of the Abstract use the phrase

"the disclosure details" or "the disclosure teaches". The abstract should avoid

using phrases which can be implied, such as, "The disclosure concerns," "The

disclosure defined by this invention," "The disclosure describes," and in this case

"the disclosure details" or "the disclosure teaches". Correction is required. See

MPEP § 608.01(b).

Appropriate correction is required.

Claim Objections

5.   The claims are objected to because of the following minor informalities:

a. Claims 43-47 as indicated as cancelled. This should be corrected to read claims 45-47.

b. Claim 83, lines 1-4 read "In memory, an interaction interface that <u>is invokable</u> by a processor, comprising: instruction signals in the memory, wherein the instruction signals are <u>issuable</u> by the processor to provide:" should be corrected to "In memory, an interaction interface that <u>are invoked </u>by a processor, comprising: instruction signals in the memory, wherein the instruction signals are <u>issued</u> by the processor to provide:"

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 23, 44, 53, 55, 74, and 76 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 23, 44, 53, 55, 74, and 76 recites the limitation "substantially simultaneously ". The boundaries for being substantially simultaneously are not known.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

9.   Claims 23, 44, 48, 49, 53, 55, 65, 66, 68-70, 74, 76-79, and 81 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

    a. Independent claims 23, 44, and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non- statutory subject matter. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office's guidance to examiners is that a § 101 process must (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. The claims do not recite the use of another statutory class or physical transformation. The claim recites steps involving of generating a versatile financial transaction, but does not recite the use of another class of statutory subject matter (machine, manufacture, or composition of matter) or a transformation of underlying subject matter

    b. Dependent claims 48-55 and 66-81 fail to resolve the deficiencies of their respective independent claims 23, 44, and 65. The limitations recited in claims 48-55 and 66-81 disclose additional features of generating a versatile financial transaction recited in respective independent claims 23, 44, and 65, and do not recite the use of another statutory class or provide a physical transformation.

Claim Rejections - 35 USC § 102

10.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11.   Claims 83, 86, and 87 are rejected under 35 U.S.C. 102(e) as being anticipated

by Himmelstein (U.S. Patent No. 6993511).

As per claim 83, Himmelstein teaches **in memory, an interaction interface that is invokable by a processor, comprising: instruction signals in the memory, wherein the instruction signals are issuable by the processor to provide** ([claim 43]): **a selection interface mechanism to specify a desired versatile financial transaction** ([Figures 5A-6] and [column 9, lines 23-31]); **an interaction interface mechanism to display subcomponents for the selected versatile financial transaction** (orders can be displayed and modified [Figures 5A-6] and [column 9, line 23 – column 13, line 61]); **an interaction interface mechanism to shift values associated with the selected versatile financial transaction** (orders can be displayed and modified [Figures 5A-6] and [column 9, line 23 – column 13, line 61]); **and a display area to display any of the mechanisms** (orders can be displayed and modified [Figures 5A-6] and [column 9, line 23 – column 13, line 61] using a barter website [column 4, lines 46-52]).

As per claim 86, the rejection of claim 83 has been addressed.
Himmelstein teaches a method **wherein the subcomponents are retrieved for display from a database based on the selected versatile financial transaction** ([Figure 1, element 116] and [column 5, lines 26-35]).

As per claim 87, the rejection of claim 83 has been addressed.
Himmelstein teaches a method **wherein the values include strike price and strike times** (columns "bid/strike price" and 'Expiration Settlement /Date" [Figure 9A]).

Claim Rejections - 35 USC § 103

12.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set
forth in section 102 of this title, if the differences between the subject matter sought to be patented and
the prior art are such that the subject matter as a whole would have been obvious at the time the
invention was made to a person having ordinary skill in the art to which said subject matter pertains.
Patentability shall not be negatived by the manner in which the invention was made.

13.   Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Himmelstein (U.S. Patent No. 6993511) in view of Nafeh et al. (PGPub

Document No. 20080040257).

As per claim 23, Himmelstein teaches a method **of generating a versatile
financial transaction** ([column 1, line 14 – column 25, line 67] and [Figures 2-
20]), **comprising:**

obtaining an order for a versatile financial transaction (barter orders are
created and matched [column 2, lines 51-53] and [Figures 1, 3, 4A-4D, 7A-8],
where the bartered items are any financial [[column 1, lines 14-36], [column 2,
lines 29-50], [column 4, lines 28-45], [column 9, lines 32-49], especially [column
21, line 60 – column 22, line 24] , where use the system as an intermediary
allows for interrelated orders), **wherein the versatile financial transaction is
comprised of at least five subcomponent transactions** (multi-order barter
transactions [column 3, lines 4-9] and [Figures 2, 6, 9A], where use the system
as an intermediary allows for interrelated orders.)**; processing the order for the
subcomponent transactions** (barter orders are created and matched [column
2, lines 51-53] and [Figures 1, 3, 4A-4D, 7A-8])**; wherein the subcomponent
transactions are interrelated** (barter orders can use the system as an
intermediary and create barter orders for financials which it does not currently
have possession [column 18, line 48 – column 23, line 5] and [Figures 3 and 7A-
7E])**, wherein subcomponent transaction types specified in the order are
based on the versatile financial transaction's subcomponent requirements**
(barter orders are created and matched [column 2, lines 51-53] and [Figures 1, 3,
4A-4D, 7A-8], where the bartered items are any financial [[column 1, lines 14-
36], [column 2, lines 29-50], [column 4, lines 28-45], [column 9, lines 32-49],
especially [column 21, line 60 – column 22, line 24] , where use the system as an
intermediary allows for interrelated orders.)**, wherein subcomponent
parameters specified in the order are based on ordering requirements**

made for the versatile financial transaction (barter orders can use the system as an intermediary and create barter orders for financials which it does not currently have possession [column 18, line 48 – column 23, line 5] and [Figures 3 and 7A-7E]), **effecting the execution of trades on the order's subcomponents substantially simultaneously from the processed order** (barter orders can use the system as an intermediary and create barter orders for financials which it does not currently have possession [column 18, line 48 – column 23, line 5] and [Figures 3 and 7A-7E]. Once in possession, the order is matched [column 8, lines 10-60]).

Himmelstein does not teach a method **wherein the subcomponents are obtained simultaneously at a trade executing entity.**

Nafeh et al. teaches a method **wherein the subcomponents are obtained simultaneously at a trade executing entity** ([¶31-33] and [¶39-43]).

It would have been obvious to one skilled in the art at the time of the invention to have used the invention of Nafeh et al. with that of Himmelstein such that subcomponents are obtained simultaneously at a trade executing entity. One skilled in the art would be motivated to combine the inventions because Nafeh et al. provides a trading system whereby prospective traders can transact with low transaction overhead using a single data file to including multiple transaction listings which is a feature, that may reduce the number of interactions between a client machine and the network-based transaction facility, and thereby reduce the amount of time that a client machine has to be connected to a network (i.e., be "on-line").

As per claim 44, Himmelstein teaches a method of **identifying an underlying financial instrument** (barter orders are created and matched [column 2, lines 51-53] and [Figures 1, 3, 4A-4D, 7A-8], where the bartered items are any financial [[column 1, lines 14-36], [column 2, lines 29-50], [column 4, lines 28-45], [column 9, lines 32-49], especially [column 21, line 60 – column 22, line 24]); **identifying a versatile financial transaction for the underlying financial instrument** (barter orders are created and matched [column 2, lines 51-53] and [Figures 1, 3, 4A-4D, 7A-8], where the bartered items are any financial [[column 1, lines 14-36], [column 2, lines 29-50], [column 4, lines 28-45], [column 9, lines 32-49], especially [column 21, line 60 – column 22, line 24]).

All of the remaining limits of Claim 44 have been previously addressed in Claim 23, and is therefore rejected using the same prior art and rationale.

As per claim 48, the rejection of claim 44 has been addressed.
All of the limits of Claim 48 have been previously addressed in Claim 44, and is therefore rejected using the same prior art and rationale.

As per claim 49, the rejection of claim 44 has been addressed.
Himmelstein teaches a method **wherein at least one of the subcomponents' specified in the order require other subcomponents in the order to execute as specified, otherwise both sets of subcomponents will not execute** (barter orders can use the system as an intermediary and create barter orders for financials which it does not currently have possession [column 18, line 48 – column 23, line 5] and [Figures 3 and 7A-7E]. Once in possession, the order is matched [column 8, lines 10-60]).

As per claim 53, the rejection of claim 44 has been addressed.
All of the limits of Claim 53 have been previously addressed in Claim 23, and is therefore rejected using the same prior art and rationale.

As per claim 55, the rejection of claim 44 has been addressed.
All of the limits of Claim 55 have been previously addressed in Claim 44, and is therefore rejected using the same prior art and rationale.

As per claim 65, All of the limits of Claim 65 have been previously addressed in Claims 23 and 44, and is therefore rejected using the same prior art and rationale.

As per claim 66, the rejection of claim 65 has been addressed.
Himmelstein teaches a method **wherein a complement order is made available to a trading market** (barter orders, which are financials [column 1, lines 14-36], [column 2, lines 29-50], [column 4, lines 28-45], [column 9, lines 32-49], especially [column 21, line 60 – column 22, line 24], are created and matched [column 2, lines 51-53] and [Figures 1, 3, 4A-4D, 7A-8] using Himmelstein Options in a virtual market [column 3, line 49 – column 4, line 45]).

As per claim 68, the rejection of claim 65 has been addressed.
Himmelstein teaches a method **wherein the subcomponent transactions are over-the-counter options** (barter orders are created and matched [column 2, lines 51-53] and [Figures 1, 3, 4A-4D, 7A-8], where the bartered items are any financial [[column 1, lines 14-36], [column 2, lines 29-50], [column 4, lines 28-45], [column 9, lines 32-49], especially [column 21, line 60 – column 22, line 24]).

As per claim 69, the rejection of claim 65 has been addressed.
All of the limits of Claim 69 have been previously addressed in Claims 23, and is therefore rejected using the same prior art and rationale.

As per claim 70, the rejection of claim 65 has been addressed.
All of the limits of Claim 70 have been previously addressed in Claims 49, and is therefore rejected using the same prior art and rationale.

As per claim 74, the rejection of claim 65 has been addressed.
All of the limits of Claim 74 have been previously addressed in Claims 23, and is therefore rejected using the same prior art and rationale.

As per claim 76, the rejection of claim 65 has been addressed.
All of the limits of Claim 76 have been previously addressed in Claims 23, and is therefore rejected using the same prior art and rationale.

As per claim 77, the rejection of claim 65 has been addressed.
Himmelstein teaches a method **wherein one order is populated for all subcomponents transactions** (multi-order barter transactions [column 3, lines 4-9] and [Figures 2, 6, 9A]).

As per claim 78, the rejection of claim 65 has been addressed.
Himmelstein teaches a method **wherein one order is provided for each subcomponent transactions** ([column 7, line 22 – column 13, line 61], [column 18, line 48 – column 23, line 5], [Figures 2, 3, 6, 7A-7E, 9A-9B]).

As per claim 79, the rejection of claim 65 has been addressed.
Himmelstein teaches a method **wherein some subcomponents are amalgamated into one order and other orders are provided for each subcomponent** ([column 7, line 22 – column 13, line 61], [column 18, line 48 – column 23, line 5], [Figures 2, 3, 6, 7A-7E, 9A-9B]).

As per claim 81, the rejection of claim 65 has been addressed.
Himmelstein teaches a method **wherein the versatile financial transaction is a SlingshotHedge** (bartered items are any financial [[column 1, lines 14-36], [column 2, lines 29-50], [column 4, lines 28-45], [column 9, lines 32-49], especially [column 21, line 60 – column 22, line 24], where use the system as an intermediary allows for interrelated orders.).

Conclusion

14.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

- Behmoiras et al. (PGPub No. 20050216395) – teaches the use of sub-

   transactions which all must be completed prior to completion of the overall

   order.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Gregory Pollock whose telephone number is 571

270-1465. The examiner can normally be reached on 7:30 AM - 4 PM, Mon-Fri

Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jay Kramer can be reached on 571 272-6783. The fax phone

number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

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Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

GAP

7/16/2008

/Gregory Pollock/
Examiner, Art Unit 3693

Gregory A. Pollock

/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693